

REMARKS

By this paper, claims 1-6 and 11-14 have been amended and claims 7-10 and 15-16 have been cancelled. Accordingly, claims 1-6 and 11-14 now remain pending. Of the pending claims there are now four independent claims. Claims 1 and 3 comprise method claims and claims 11 and 13 comprise corresponding computer program product claims.


The present application is a continuation of Application Serial No. 08/994,674, filed on December 19, 1997, which is now abandoned (hereinafter the '674 application). Prior to the '674 application becoming abandoned, however, the Examiner granted an interview with Applicant's representatives on February 22, 2001, in which it was discussed how a proposed amendment to the claims of the '674 application, which "would clarify which driver is performing certain steps...would overcome the combination of prior art of record." However, because these amendments were never made to the present application prior to its filing, Applicant is now providing this Preliminary Amendment to amend the claims as proposed during the interview with the Examiner. In particular, the claims have been amended to clarify which steps are performed by the minidriver and the stream class driver. Accordingly, Applicant respectfully submits that the claims are now in condition for allowance for at least the reasons discussed at the interview in regards to the '674 application.

Furthermore, Applicant would also like to point out that U.S. Patent No. 5,787,259, to *Haroun et al.* ("*Haroun*"), which was used as a 102(e) prior art reference in the parent '674 application is commonly owned by Microsoft Corporation. Accordingly, inasmuch as the present application and *Haroun* were, at the time of the present invention, owned by, or subject to an obligation of assignment to, the same entity (Microsoft Corp.), *Haroun* should not be considered as a proper prior art 103(a) reference for the present case. See 35 U.S.C. § 103(c), MPEP 706.02(1)(2).

Accordingly, in view of the foregoing, Applicant respectfully requests allowance of the pending claims. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 15th day of May 2003.

Respectfully submitted,



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